Justice and Partisanship:

Party Voting Behavior in Ohio Supreme Court Elections

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by

Emily Rock

The Ohio State University

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Project Advisor: Professor Lawrence Baum, Department of Political Science

Theoretical Background

In this study, I examine the effects of information on party voting in judicial elections. In any low-profile race—that is, lower-ballot offices which do not garner much media coverage or other publicity—voters face the challenge of finding enough information to make an educated decision in the voting booth. Yet in Ohio Supreme Court judicial races, the informational challenge is compounded by the fact that although candidates are nominated by political parties, their partisan identifications are not listed on the ballot. In this climate, increased media coverage or campaign spending could exert significant influence on how much voters tend to vote on a party-line basis (that is, for the candidate from their own party). A related issue is the effect of voters' own education and political knowledge on party-line voting in contests for the Ohio Supreme Court. In this thesis I examine both issues by analyzing survey data over a time period of twenty years. There has been much scholarly concern over the past several years over the role of increased spending in judicial elections, as well as ongoing disagreements on the most appropriate method for selecting judges; this study will attempt to add new material for consideration on these important issues.

Information and the vote in low-information contests

Relative to other elections, elections to judgeships—judicial elections— do not generally attract much attention, from voters, the media, or even researchers. This is true of other low-information races, and in fact, many statewide offices below gubernatorial elections occur in a relative void of attention. Because of this, there is a general lack of information about candidates and relevant issues, making it hard for voters to become informed. Beyond this general dearth of information, part of the trouble is that aside from party labels, information on judicial candidates

can be hard to come by. Adding to the problem are the formal and informal restrictions on what candidates are free to say about their ideological positions, a subject which will be addressed in more depth later on.

Although judicial elections might differ in some regards from races for other elected offices, researchers have found that voting behavior in judicial elections does not differ significantly from behavior in other low-information races. In a study of voter turnout in judicial elections, Dubois found that "the level of participation in state supreme court elections is not universally low…it varies significantly among the states, and in fact is very much a function of the same factors which scholars have observed affect turnout in other kinds of elections" (Dubois, 1979b, 885). Chris Bonneau (2007) came to similar conclusions in his article "The Effects of Campaign Spending in State Supreme Court Elections," and the general consensus seems to be that when provided with adequate information, voters make decisions rationally in judicial races, just as they would in other elections.

Judicial selection systems: impact on voting and normative considerations

Since participation levels tend to be low and since there is an apparent lack of relevant political knowledge held by those who vote in judicial races, some researchers, lawyers, and politicians have concluded that judges should not be subject to elections at all. This conclusion might seem reasonable enough: one study of voters in Oregon and Washington found that only 20% of respondents said that they had enough information to vote in statewide judicial races (Sheldon and Lovrich, 1983, 237). Perhaps as a result of this, many states have chosen to forgo popular elections in favor of a merit retention plan (also called the Missouri Plan) in which judicial nominees are determined by a panel of lawyers and laypersons. The panel then sends a

list of recommendations to the governor, who makes a selection from the list. In such a system, the appointed judge is then subject to a retention vote, in which voters have a chance to decide whether the judge ought to stay in office—but at no point is the incumbent judge subject to a contested election. Around twenty states now use merit selection for their state supreme courts, and some use it for other judgeships as well. The rest continue to hold either partisan or nonpartisan elections for judges, or else use gubernatorial appointment or election by the state legislature (American Judicature Society, 2004). While merit plans appeared to be on the rise up until about twenty years ago, in recent years there has not been much change in states' selection systems.

Despite the long-term decline in judicial elections, there remains popular support for selecting judges through elections. For instance, some surveys have confirmed that a majority of voters approve of the principle of elective judicial selection (Dubois, 1979b, 759). Moreover, the study in Washington and Oregon reported that "at least two out of three of all those who responded to the survey indicated that judicial elections were as important or more important than other elections in the state" (Sheldon and Lovrich, 1983, 241-2). In Ohio particularly, proposed merit retention plans have met with unfavorable results: a 1987 ballot measure to replace judicial elections with a merit retention plan was defeated 2-1 by voters (Felice and Kilwein, 1992). During that election season, the merit plan (known as Issue 3) was supported mainly by the Ohio Bar Association and the Ohio League of Women Voters (OLWV). The OLWV has long supported appointment of judges, contending that "a judge who is appointed to the bench is more likely to remain insulated from shifting popular will than is one who must face a competitive electoral gauntlet" (Felice and Kilwein, 1992, 195). Many proponents of the Missouri Plan echo this sentiment, believing that such a system is the best way to insure that

judges "be as impartial and insulated from political pressures as possible" (*Ibid*). Yet in Ohio, the opponents of Issue 3 were able to prevail by portraying the measure as an affront to voting rights.

Even if judicial elections were widely accepted as an appropriate way to choose state judges, a debate would remain over what type of election system is best. In terms of whether partisan or nonpartisan judicial elections are more effective, no single answer seems clear. In recent literature, there is a trend for election scholars to treat party labels as a positive cue rather than a negative one. Party clearly has "a unique relevance in voters' eyes," as a study by Klein and Baum (2001, 725) suggests, but is that for the better or the worse? In "Teams without Uniforms," the article's authors maintain that party labels "convey generally accurate policy information about candidates" and that "their low cost and accessibility help voters to reach reasonable decisions" (Schaffner, Wright, and Streb, 2002, 9). The article goes on to point out that in nonpartisan elections, voters are not given any added incentives to bear the increased informational costs of seeking out information on the candidates' party affiliations (10).

Numerous studies have shown that participation is lower in nonpartisan races (e.g., see Schaffner, Dubois), but again, there is no consensus on whether that is actually a negative quality. In a nonpartisan, low-information election, more than in a partisan, high-visibility race, Baum posits that it is "the most knowledgeable voters" who "are likely to determine the impact of campaigns and the outcomes of elections" (Baum, 1987, 71). Perhaps a more knowledgeable electorate benefits the democratic process; encouraging elections to be determined by those who actively seek out information could then be considered desirable. On the other hand, the authors of the study on Washington and Oregon voters concluded that "the attentive judicial voter is trying to hold up his or her part of the accountability requirement. However, the candidates […]

have failed to make a meaningful effort toward giving the voter more of what he or she wants in the way of information" (Sheldon and Lovrich, 1983, 245). According to this view, partisan elections would benefit voters by providing more obvious and accessible information.

Changes in the nature of judicial contests

In recent years, judicial elections have been subject to increasingly high campaign costs, prompting criticism about whether such spending is appropriate for candidates for judgeships. Judicial contests during the past several election cycles have often cost several million dollars each. Although there had been expensive races previously—the Ohio Chief Justice race in 1986 is a prime example—the recent rise in spending has been sharp and quick. For instance, "between 2000 and 2002, average candidate spending in state supreme court races increased 167 percent. From 2002 to 2004, spending increased an additional 168 percent on average" (Caufield, 2007, 37). This trend has widely been regarded as a negative development, associated with the simultaneous trend towards greater interest group involvement and a general move away from the "low-profile, quiet, or dignified affairs" of the past (*Ibid*). The influx of money has led to concerns that judicial candidates might be more easily swayed by special interest groups. In its 1987 campaign against selection of judges by popular election, the Ohio League of Women Voters "argued that the Ohio justice system can, in essence, be sold to the highest bidder as the prospective judge searches for more funds to run expensive campaigns" (Felice and Kilwein, 1992, 195).

On the other hand, costlier elections might actually benefit voters in choosing candidates. If candidates and outside interest groups spend more on campaigns, presumably voters will be exposed to more information on candidates and relevant issues. Some research has shown that a

high-visibility judicial election results in a significantly higher turnout rate than a more typical low-visibility one (Baum and Klein, 2007). From this angle, the ramping up of spending in judicial elections ought not to be seen in a wholly negative light.

Information and rolloff rates

Naturally, the relative obscurity in which judicial elections generally take place has an effect on voters' participation in these races. The rolloff rates—the percentage of people voting for some issues or offices but not for others on the same ballot— are often quite high between those voting in more prominent elections, such as congressperson or governor, and those voting for state judges. That is, the number of people who go to the polls and cast a vote for more prominent offices is much greater than those who cast a vote in judicial races. A significant minority of voters make the effort to show up to the polls but do not vote in all races.

Inquiries into why rolloff occurs have found that it is not the result of voter fatigue, but rather of insufficient information on the part of the voters: as on standardized tests, voters tend to fill out answers only to the questions about which they know something (Wattenberg, 2000, 236). Supporting this view are the findings that lack of political knowledge correlates better with rolloff than lack of education, and that rolloff voters tend to be less interested in politics in general. Moreover, one study found that a majority of rolloff voters reported having zero exposure to either candidate, indicating that more effective campaigns could benefit by targeting likely rolloff voters (*Ibid*, 245).

Studies on the varying types of judicial elections have shown that nonpartisan judicial elections tend to have much higher roll-off rates than partisan races in demographically similar states (or in some cases, the same state at different times, before and after a change in selection

system). This suggests that many voters, faced with an election about which they know little or nothing, will choose not to participate if party cues are not provided. One study found that voters were much more likely to hold an opinion on an election if partisan information was provided: the addition of such information "turns a previously unstructured response into one which is dominated by a respondent's party identification" (Squire and Smith, 1988, 170). As the authors expected, voters with higher levels of information were more likely to hold opinions about the elections. Unexpectedly, though, the addition of partisan information almost removed that relationship entirely, leveling the playing field between better- and less- informed voters. If this example holds true in general, it would seem that partisan judicial elections are perhaps more democratic, because they encourage people of varying knowledge levels to vote more than nonpartisan elections do.

Information and determinants of the vote

Clearly, voters in judicial elections lack meaningful information on which to base their decisions. In part, this is no accident: up until a few years ago, rules by The American Bar Association's *Code of Judicial Conduct* explicitly placed severe limits on candidates' ability to discuss issues which might come before them as sitting judges. Those rules then became effective by being incorporated into states' own rules governing judicial elections. The 2002 Supreme Court decision *Republican Party v. White* struck down many campaign speech restrictions, "forcing virtually all states to abandon their existing codes of judicial conduct" (Caufield, 2007, 39). In summarizing the case's implications, Rachel P. Caufield writes that the decision "allowed candidates to openly provide high-information cues to voters—including ideological positions, party affiliation […] and stances on controversial issues" (Caufield, 2007,

39). In her study of the case's impact, Caufield found that in states which have interpreted the Court's decision broadly, there has been some change in how judicial candidates promote their own views and attack their opponents. However, since the *White* decision was made only five years ago, long-term effects of the case are yet to be seen. It seems that the decision has the potential to further politicize judicial campaigns, but perhaps it will also lead to voters having easier access to relevant information on judicial candidates and races.

Beyond the formal rules which limit speech, Philip Dubois has pointed out that there are informal norms of behavior which dictate that candidates not engage in "the substantive discussion of legal philosophies, judicial decisions, and public policy issues" (Dubois, 1979b, 759). This in turn limits campaign debate to issues like the candidates' formal qualifications and methods of judicial administration, which may not be of particular interest to voters (*Ibid*, 760). Along with the shift in formal rules, however, informal norms may be shifting in a more permissive direction as well. At the same time, Dubois does not see the low levels of voter awareness as atypical. He found that voter knowledge on judicial candidates' qualifications is roughly equivalent to their awareness of candidates for other low-information offices (races for positions in which voters typically would not have much information or interest, as compared to high-information races like those for president, congressperson, or governor).

Because judicial elections are often such low information affairs, the amount of media attention garnered by a race or the amount of money raised—and thus the amount of advertising— by a particular candidate could have a significant impact on the outcome. One study suggests that "in such low information environments, even a modestly effective campaign might have substantial effects where voters have few readily available pointers on who they should support" (Shaffner, Wright, and Streb, 2001, 26). Moreover, Baum has found that not

only does the amount of information matter, but so does the content. In the 1984 Ohio Supreme Court races, media attention was more favorable to Republican candidates than Democrats, which may have influenced the decisions made by the more informed voters (Baum, 1987).

Another study, by Baum and Klein, compared judicial elections in 1998, a typical low-visibility year, and 2002, when media coverage and campaign spending were unusually high (Baum and Klein, 2007). Unsurprisingly, turnout rates were significantly higher in the latter races. Rolloff from the gubernatorial race was half as high in 2002 as in 1998, indicating that many voters who would otherwise have skipped the judicial elections, even after coming to the polls, chose to participate instead (Baum and Klein, 2007). However, the study also found that voters' partisan identifications had similar effects in both election years. Furthermore, political knowledge levels remained low in 2002, even with the added attention given to the judicial races. This lack of knowledge on the part of voters applied even to basic facts about the candidates: for instance, only one in five respondents were able to correctly identify one candidate as more liberal than her opponent. As the report concludes, the "lack of knowledge underlines the limits in what the 2002 campaigns communicated to voters." Thus, the campaigns "could convey to the voters that the supreme court contests were important. They were not so successful in conveying *why* the contests were important" (p 164). This result indicates that the amount of information available in a given election may not actually have much impact on how knowledgeable voters will be or how much party-line voting will occur.

Also inconclusive is the effect that campaign spending has on judicial elections. Bonneau found that spending by challengers increased the likelihood of incumbent defeat, thereby enhancing electoral competition and leading to more electoral accountability. Conversely, he found that greater spending by incumbents had no effect on the margins of

victory. By this logic, more stringent campaign finance regulations would serve to strengthen the (already significant) incumbency advantage and decrease the competitiveness of judicial elections (Bonneau, 2007). In another study, however, Bonneau found that in cases where the incumbent was appointed to his or her position, the key element to the election result was the spending *ratio* between incumbent and challenger (Bonneau, 2005). The narrower the ratio was, the higher the chance that the incumbent would lose. Typically, incumbents have more resources at their disposal than challengers, and are thus able to spend more on their campaigns. In races in which a challenger faces an appointed incumbent, it would seem that limiting the maximum amount of campaign spending might have the opposite effect of the one described above. By putting a cap on spending, it is more likely that the challenger could match the amount spent by the incumbent (Bonneau, 2005, 834). But while spending clearly has some effect on electoral verdicts, the study by Baum and Klein reminds shows that money only has so much impact in low-information races, and may not actually exert much influence on how people decide who to vote for (Baum and Klein, 2007).

As these various and sometimes conflicting studies have shown, the relationship between information and voting behavior is complex. That relationship has been interpreted in different ways. It has been posited, for instance, that "partisans…use their information to reinforce their partisanship" (Macaluso, 1977, 255). According to this idea, those with strong party preferences will take into account new information that supports their existing views, while disregarding information that conflicts with what they already believe. A different hypothesis supporting the same relationship is that more well-informed and politically knowledgeable voters tend to be those who hold stronger political beliefs, and who would thus be less likely to be independent or unidentified with a party. On the other hand, one could argue that as voters gain more

information on candidates, they might discover complex reasons for voting one way or another, rather than merely using party identification as an easy cue. In a typical partisan election, I would expect this to be the case, and I would thus expect that party voting would be highest among those with the lowest information levels.

The Study

Ohio judicial selection system

As noted before, the great majority of states select their judges through merit retention systems, nonpartisan elections, or partisan elections. The Ohio judicial election system is notable for its hybrid mix of nonpartisan and partisan elements. Candidates for the Ohio Supreme Court must first run in a partisan primary, but for the general election, parties are not listed on the ballot. Still, since candidates are chosen by party, voters have different means of discovering the candidates' party affiliations, including through name recognition, campaign appeals which emphasize party, and slates of candidates sent by the state party organization to registered voters (Baum, 1987, 64). Michigan has a similar system, though judicial nominees there are chosen at a party convention, not through a partisan primary. The only other state to have adopted such a plan is Arizona, which gave it up in favor of a merit selection plan in 1974 (Dubois, 1979a, 761). Thus, Ohio presents a unique subject for research, since it combines elements of both types of elections.

Scope of the project

Because party labels are not listed on the ballots in Ohio general elections for judgeships, a voter's first step towards gaining more information about a judicial race would likely be to discern which candidate goes with which party. The importance of the party label has been noted in various voting behavior research; as Dubois writes, "voters in low-salience elections rely upon available voting cues, and in partisan judicial elections the party label is the most meaningful guide to voting" (Dubois, 1979b, 768). Some scholars find party labels to be a useful, accurate shortcut to information about candidates. Others, however, believe that partisanship has no place in judicial selection, which should be free from the bias of party identification. For researchers on either side, my study will provide a valuable example of how information affects the way voters make decisions.

Some research in this field has centered on voting cues other than party labels which might influence the outcomes of low-information races, those elections which do not receive much media attention and which tend not to be well-funded by candidates or parties. For instance, Monika McDermott studied the effects of gender on voting and discovered that female candidates performed better among liberals and worse among conservatives than males of the same party, indicating a prevailing stereotype that women are more liberal than men (McDermott, 1997). While this research was not specific to judicial races, judicial elections are a prime example of low-information races, in which voters might use any available cues to guide their decision making process.

Through my research, I will attempt to determine the relationship between the frequency of party-line voting in Ohio Supreme Court races and the information levels present in the races. I will examine both the amount of information about judicial elections and races that voters have access to and the level of education or (for the later election years) the amount of political

knowledge that voters possess. The basic research question is: as voters acquire more information about a particular electoral race, will they be more or less likely to vote for the candidate from their own party? There are two parallel issues here: the amount of political knowledge and education that a voter brings to an election booth, based on that voter's own characteristics, and the amount of information that is actually available in any given election.

In Ohio judicial elections, unlike purely partisan judicial elections, a key component to information gathering would be to determine the party affiliation of the candidates. Therefore, the first distinguishing factor between less informed and more informed voters would be awareness of party. In this atmosphere, some informational cues—particularly gender or name recognition—would actually be easier to obtain for voters than party, since such information can be obtained directly from the ballot. Moreover, the overall amount of information available to voters is relatively scarce, so there might not be much to dissuade voters from making their decision based mainly on party affiliation, if they are aware of said affiliation. In such an atmosphere, differences in campaign spending and media coverage have the potential to significantly impact voters' likelihood to vote on a party basis. Thus, given my background reading on the subject, and my instincts regarding the importance of party labels to voters, my first hypothesis is that as levels of available information increase, voters are more likely to vote on a party-line basis.

The second issue I seek to examine is the role of voters' education and political knowledge in determining party voting rates. As education and/or political knowledge increase, does a voter's likelihood to vote on a party-line basis increase as well? So far, no conclusive evidence has been found in either direction, although Theodore Macaluso claims that there is no correlation between the strength of voters' partisan identification and their level of political

knowledge (Macaluso, 1977). That is, the category of better-informed voters did not coincide with those most likely to vote based on party. According to that argument, education and information levels would have little effect on voters' likelihood to vote based on party.

However, in a race in which party labels are not provided on the ballot, more of a gap might exist between the more informed or better educated voters, who have determined party identification on their own, and the less informed or less educated voters, who have no such identification to guide them. This assumes that education and knowledge correlate positively both with information seeking (voters' likelihood to find and incorporate partisan information on candidates) and with party voting. I expect that, since other relevant information would be hard to come by in a typical judicial race, increased information would correspond with increased party voting. Just as I expect party voting to be higher when media coverage and spending are higher, I also hypothesize that voters with higher education and more political knowledge will be more likely to vote on a party-line basis. Given this expectation, my third hypothesis is that I expect to see stronger correlations between the information variables and party voting rates for the former group than for the latter—that is, high information levels should have more of an impact on the voters with more knowledge and higher education levels.

By comparing the levels of party-line voting with the amount of information available in different election years, and by comparing more informed voters with those who are less informed, I should be able to gather enough information to develop a strong idea of whether my hypotheses hold true.

Research design and methodology

Since 1984, The Ohio State University Political Science department has conducted post-election surveys which measure a number of variables about the respondents themselves as well as their voting behavior in the various statewide electoral races that took place each year. To date, no study has been conducted comparing judicial voting behavior across such a time span; in this study I analyze the survey results from each gubernatorial election year between 1986 and 2006. The scope of this project is unique, since few surveys have been conducted which include questions about judicial elections, especially surveys conducted over such a lengthy time period. This is the first opportunity—not just in Ohio, but nationwide—to examine voting behavior in judicial elections over time based on survey data.

Having discussed the theoretical issues relevant to my research, I will now summarize the research design I plan to use, starting with an explanation of the variables I will employ. Voter knowledge will be measured by education levels and general political knowledge, as demonstrated by respondents' answers to survey questions. Party identification will be measured by self-identified party and ideological identifications. Availability of information will be determined by the relative amount of money spent for each race and the amount of media coverage of the races. For the campaign spending variable, I looked at Ohio Secretary of State records of spending by candidates in the pre- and post- general election periods. For the media variable, I surveyed archives of *The Columbus Dispatch* and *The Plain Dealer*, Ohio's largest-circulation newspapers. I examined the archives between September 1st of each election year, generally acknowledged to be the beginning of the general election season, and election day. For each race, I tallied all the articles which mentioned either the election or the candidate in the

headline or the first paragraph, to compare how much media coverage there was of different races.

The sample of elections, fourteen races between 1986 and 2006, provides good contrasts to test the research question of how information affects party voting behavior. While there is a good deal of variation in terms of spending and media coverage, three races stand out as having had significantly more media attention and campaign spending than the rest. These three—the chief justice race in 1986 and the two judicial elections in 2002—provide a chance to test the hypothesis that increased levels of available information will yield increased rates of party voting. In the pages that follow, I will present the results of my research, and then I will conclude with an analysis of those results and implications for the field of research on judicial elections

Results

Table 1
PERCENT PARTY VOTING IN JUDICIAL AND NON-JUDICIAL RACES

Year	Governor	Secretary of State	Chief Justice	Associate Justice 1	Associate Justice 2
1986	80.4	79.5	71.1	61.8	57.9
1990	82.6	80.4		58.8	74.6
1994	72.6	77		52.1	57.4
1998	82.3	79.8	55.3	63.1	43.4
2002	85.1	80.7		68	67
2006	82.8	82.6		54.5	74.2
Mean	**81.0**	**80**	**63.2**	**61.1***	
Standard deviation	**4.36**	**1.83**	**11.17**	**11.96***	

Note: Party voting is measured by the percentage of voters who select the candidate from their own party.
*Mean and Standard deviation were averaged and combined for Associate Justice 1 and 2, since both represent equal positions on the court

To begin analyzing the results, I first compared the rates of party voting in Supreme Court races to those in two sets of non-judicial races, for Governor and Secretary of State (Table 1). This comparison allowed me to look at the difference between races which list party on the ballot (as both the gubernatorial and Secretary of State elections do) and judicial elections, where party is not listed. At the same time, the Secretary of State races, like judicial elections, tend to be low-information and low-visibility, whereas the more conspicuous gubernatorial races feature higher levels of available information. Unsurprisingly, both the partisan offices featured substantially higher rates of party voting, with the average for the Governor's races at 80.97% and the Secretary of State's mean at 80%. All three sets of judicial races—for Chief Justice and both Associate Justice positions—had means nearly twenty percent lower, ranging from 61.1% to 63.2%. Perhaps less predictable is the result that there was more consistency, as displayed by lower standard deviation measures, in the non-judicial races, perhaps indicating that there is less variation between election years in the amount of information available on those races. In terms of the candidates' party affiliations, there would actually be no variation at all, and there might also be less variation in the availability of partisan information beyond party identification. One other finding is that the highest level of party voting was found in the races for the high visibility office, the Governor elections. This might be counterintuitive since in a race with more information, there might be more reasons to vote against party than to toe the party line, but it could be that voters display a bit more party loyalty when it comes to higher-ticket offices. In any case, the difference between the gubernatorial mean and the Secretary of State mean was quite small.

Next, in Table 2, I take a first look at the impact of media and campaign spending on party voting, comparing party voting levels to expenditures and newspaper coverage for each

election. In this study, party voting is defined as self-identified Republicans voting for the Republican candidate and self-identified Democrats voting for the Democratic candidate—that is, party-consistent voting. According to the survey results, voters were categorized along a seven-point continuum, including those who identified as strong Republicans, those who said they were weak Republicans, and those who at first stated that they were independent but then in a follow-up question said that they "leaned" Republican. The same three categories are found on the Democratic side, and the remaining category is made up of independent voters who did not lean towards either party. In the party voting measure, anyone who was not in this final, middle category was included, so those who leaned Republican or Democrat were grouped alongside the strong and weak partisans.

While there is a wide range in the amount of money spent as well as in the number of articles published about each race, both variables can be easily grouped into the same two categories. Of the fourteen races, three in particular featured especially high amounts of spending and higher levels of media coverage than the rest: the Chief Justice race between Celebrezze and Moyer in 1986, and both Associate Justice races in 2002, between Black and O'Connor and between Stratton and Burnside. Since this is the case, I grouped the three relatively high-visibility races together and compared the levels of party voting in those races to the levels in the rest (Table 3).

Table 2
PARTY VOTING VS. CAMPAIGN SPENDING AND MEDIA COVERAGE

	% Party Voting	Campaign Spending	Media coverage
Contest			
1986			
Celebrezze/Moyer	71.1	2316153	56
Sweeney/ Holmes	61.8	447573	16
Brown/George	57.9	277957	15
1990			
Banks/Douglas	58.8	328979	9
Jones/Wright/Haffey	74.6	736115	8
1994			
Cook/Haffey	52.1	424067	7
Resnick/Harper	57.4	394740	8
1998			
Tyack/Moyer	55.3	679059	13
Sweeney/Powell	63.1	387868	12
Suster/Pfeifer	43.4	485623	10
2002			
Black/O'Connor	67.0	1617782	55
Stratton/Burnside	68.0	1656533	67
2006			
O'Neill/O'Donnell	54.5	440100	11
Cupp/Espy	74.2	631066	7

*Note: **Party voting**: percentage of voters who select the candidate from their own party. **Media coverage**: number of articles featuring the election/candidates in The Columbus Dispatch and The Plain Dealer during Sep-Nov of the election year. **Campaign spending**: amount of money spent by both candidates during the general election season, measured in 1986 dollars.*

Table 3
PARTY VOTING IN HIGH-VISIBILITY VS. LOW-VISIBILITY JUDICIAL RACES

	Mean Party Voting	Mean Spending	Mean Media Coverage
Top 3	68.7	1863489	59.3
Other 11	59.4	475740	10.5

Significance (2-tailed difference of means test): .009
See note to Table 2.

The results are striking, and correspond well with my hypothesis that greater levels of information would lead to higher levels of party voting. Indeed, the mean percentage of voters choosing the candidate of their own party in the higher visibility races is 68.7%, whereas the same figure for the lower visibility races is 59.4%. This suggests that the amount of information available about a given election does have the power to influence how voters make decisions, possibly by making it easier for voters to associate candidates with the correct party labels.

Next, I looked at the correlations between party voting and both media coverage and campaign expenditures, to see which variable has the greater impact. For the correlation, I examined two measures of party voting: first, the percentage of partisans selecting the candidate from the party they prefer; and second, the relationship between a 5-point party identification scale and the vote. The 5-point scale groups weak partisans and leaning voters together, so that the scale is made up of strong Democrats, weak and leaning Democrats, true independents, weak and leaning Republicans, and strong Republicans.

Table 4
CORRELATIONS BETWEEN INFORMATION AND PARTY VOTING
(one-tailed significance levels in parentheses)

	Spending	**Media Coverage**
Percent of voters choosing their party's candidate	.525 (.027)	.409 (.073)
Relationship between party identification (5 point scale) and voting	.440 (.058)	.320 (.133)

See note to Table 2 for explanations of spending and media coverage.

In both cases, spending appears to have a substantially greater impact than media. In all four cases, the correlation is positive, as would be expected. For the percent party vote variable, moreover, the correlation between vote and spending achieves the .05 level of significance. This is impressive, given the relatively small number of contests being examined. Since statistical significance is dependent on the number of cases in a sample, even a strong relationship in such a

small sample is unlikely to meet the criterion for significance. For the other party vote variable, the correlation does not quite reach significance, but it is still much closer for spending than for media. This finding indicates that voters are less influenced by newspaper coverage of judicial races and more by the advertisements bought with campaign money which might help associate the candidates with a given political party. Running a regression on the same variables (Table 5) clarified what the correlation had suggested: spending has more influence than media. Since the two independent variables are competing with each other to explain the same thing, the media numbers came up negative in the regression, showing that spending has more of an impact.

Table 5
REGRESSION OF SPENDING AND MEDIA COVERAGE VS. PARTY VOTING

Dependent variable: party voting			
Independent variables	B	t	Sig*
Spending	10.898	1.881	0.087
Media Coverage	-3.339	-0.700	0.498
Constant	-74.903	-1.114	0.289
	Adjusted R squared: .179		

*Two-tailed significance measure

After analyzing the effects of different information levels on elections, I moved from the unit of the election to the unit of the voter to see if there were differences in party voting among distinct groups of voters. Here I sought to test my second and third hypotheses, about the relationships between voters' education and knowledge and party-line voting. In the course of the survey, respondents were asked about their highest completed levels of education; voters were then grouped into two categories, college graduates and non-college graduates. The mean results of party voting across the fourteen contests for the two groups can be found in Table 6.

Table 6
PARTY VOTE VS. EDUCATION

	Mean % Party Vote
College grad	62.8
Non grad	60.7

Interestingly, although voters with college educations had a slightly higher average rate of party voting, that difference was rather minimal, indicating that education might not play much role in how influenced voters were by party labels. In addition to looking at the raw numbers of party voting, I also wanted to compare the impact of information levels on the two groups of voters.

Table 7
CORRELATIONS BETWEEN INFORMATION AND PARTY VOTING BASED ON EDUCATION
(one-tailed significance levels in parentheses)

	Spending	Media Coverage
College Graduates	.540 (.023)	.482 (.041)
Non-College Graduates	.348 (.111)	.336 (.120)

See note to Table 2 for explanations of spending and media coverage.

Table 8
CORRELATIONS BETWEEN INFORMATION AND THE RELATIONSHIP BETWEEN PARTY ID AND VOTING BASED ON EDUCATION
(one-tailed significance levels in parentheses)

	Spending	Media Coverage
College Graduates	.404 (.076)	.278 (.168)
Non-College Graduates	.306 (.144)	.220 (.225)

See note to Table 2 for explanations of spending and media coverage.

As with the correlations for voters in the aggregate, here I looked at both measures of party voting, and similarly, the correlations were stronger for the percent party voting variable

than the variable measuring the relationship between the five-point party identification and the vote. For both groups of voters, it appears that spending has a greater correlation with party voting than media coverage does. Furthermore, the correlations were stronger for college graduates than non-graduates, indicating that information levels have the potential to make more of an impact on more educated voters than less educated ones. However, that interpretation should be regarded cautiously, since only two relationships—the party vote of college graduates compared to media and spending, in Table 7—actually reach the level of significance.

Although the surveys in each election year included questions measuring the respondents' education levels, only the most recent surveys, from 1998, 2002, and 2006, included questions to measure respondents' political knowledge levels. In those years, respondents were asked four or five questions testing their knowledge of contemporary politics (example: Which party held the majority of seats in the U.S. House of Representatives before the November election?). Based on those results, voters were grouped into two categories (high knowledge and low knowledge) based on the number of items answered correctly, with the aim of having both groups roughly equal in size. Since this is a more direct measure than education of voters' personal levels of information pertaining to an election, it is salient to include data on this variable, even though the sample size includes only half of the elections examined in this study.

Table 9 compares rates of party voting among the high knowledge voters with the rates for low knowledge voters. Here, the difference between the two information groups is much more dramatic than in the education groups, with a mean percent party vote of 63.6% for high knowledge voters, over eight percentage points higher than the low knowledge voters, whose mean was 55.3%.

Table 9
PARTY VOTE VS. KNOWLEDGE (1998—2006)

	Mean % Party Vote
High knowledge	63.6
Low knowledge	55.3

Note: based on the four political knowledge questions, voters were divided into two roughly equal categories.

This seems like a logical result: those voters who are more politically aware in general are more likely to be aware of which candidates belong to which political party. Even more striking is the fact that when the two groups of voters are compared in terms of the effect that spending and media coverage have on them, the high knowledge voters are much more affected (Tables 10 and 11). Thus, when more information about a given election is available, that information has a higher impact on those voters who have more political knowledge than those who do not. It is especially interesting that the relationship between spending and the percent of party voting is statistically significant for high knowledge voters. Since there were only seven cases, this was an even smaller sample than that used in the analyses which encompassed all the judicial contests between 1986 and 2006. Overall, then, we can see that knowledge differences matter more in terms of groups of voters than educational differences do, indicating that political knowledge is a more meaningful predictor of what voters learn from campaigns.

Table 10
CORRELATIONS BETWEEN INFORMATION AND PARTY VOTING BASED ON KNOWLEDGE
(one-tailed significance levels in parentheses)

	Spending	**Media Coverage**
Low Knowledge Voters	-.069 (.441)	-.030(.474)
High Knowledge Voters	.702(.039)	.593 (.080)

See note to Table 2 for explanation of spending and media coverage, and note to Table 9 for definition of high and low knowledge voters.

Table 11
CORRELATIONS BETWEEN INFORMATION AND THE RELATIONSHIP BETWEEN PARTY ID AND VOTING BASED ON KNOWLEDGE
(one-tailed significance levels in parentheses)

	Spending	**Media Coverage**
Low Knowledge Voters	.159 (.366)	.189 (.343)
High Knowledge Voters	.488 (.133)	.380 (.200)

See note to Table 2 for explanation of spending and media coverage, and note to Table 9 for definition of high and low knowledge voters.

Discussion of Results

As hypothesized, the amount of information available about a given election correlates positively with party voting, for both the spending and media variables. That is, the more information that is available about a race, the more likely people will be to vote for the candidate of their own party. To a lesser extent, my second hypothesis was also confirmed: the high-education and high-knowledge respondents had higher party-line voting rates than the low-education and low-knowledge groups, though the differences were not major. It is important to emphasize again that the Ohio system of judicial elections is unique in its mix of partisan and nonpartisan elements: since parties are not listed on the ballot for judicial candidates, partisan identification might be one of the first pieces of information a voter would seek out. Therefore, the results of this study should not be extrapolated into partisan elections, in which the party

identification of candidates would be known even to those voters who come into a voting booth with no outside information at all. In that case, more information could perhaps have the opposite effect, offering voters reasons other than party to choose one candidate over another. By the same token, the effects of information would likely be different for purely nonpartisan elections as well, for which partisan identification cues are not available, not even through a high informational cost to voters. Instead, voters without much knowledge about a given race might rely on other cheap cues, such as incumbency (often taking the form of name recognition) or gender. Measuring informational effects would thus be more challenging for a nonpartisan race, since a variable other than party voting would have to be chosen to analyze how voters respond to high- or low- visibility races.

Of the two information variables examined in this study, spending was clearly more influential on voting behavior than media. This may be due in part to the nature of the variables: the results of spending would be seen most obviously in television ads, while the media variable in this study included only newspaper coverage of elections. Television has a wider audience than newspaper does, so it is possible that the results would be different if the media variable included TV news coverage of judicial races. Another possibility has to do with the type of information being conveyed: perhaps ads paid for by candidates do a better job of associating candidates with parties than newspaper articles do. This makes some intuitive sense, since the goal of an ad would be to provide useful information to voters which would help them decide to vote for a particular candidate, whereas newspaper articles seeking merely to cover election-related issues would have no such aim.

Another interesting finding is that the knowledge variable seems to be more significant than the education variable in distinguishing groups of voters. This is not surprising, since

political knowledge questions reveal more about a voter's interest in and engagement with politics than the voter's level of education. The knowledge variable is a more direct measurement of what the education variable indirectly suggests. Moreover, election scholars have previously found knowledge to be a more accurate measure than education (Carpini and Keeter, 1993).

Confirming my third hypothesis, the results show that information levels have more impact on high knowledge voters than low knowledge ones (and, to a less significant extent, more impact on high education than low education voters as well). Why would information make more of a difference to those who already possess more awareness of politics? It could be that high knowledge voters are more likely to seek out sources of information about elections in order to make informed decisions. Those with political knowledge are likely to be interested in politics and thus pay more attention to the information that is available. The positive correlation between party voting and information for high knowledge voters suggests that those who already have some basic political knowledge do a better job of absorbing available information and then using that information to cast party-line votes. Furthermore, politically aware voters might use their existing ideology and/or their commitment to political issues as frameworks with which to analyze election information, so that the beliefs that they hold might serve as reinforcing factors by helping them retain information relevant to candidates' partisan identification.

In Ohio judicial elections, where parties are not listed on the ballots, increases in the information available on a given contest provide a way to fill in the gap in voter knowledge, by providing the party identification which serves as an easy cue in partisan races. This could be viewed in different ways depending on how one feels about partisanship in relation to judicial elections. If one regards party identification as an accurate signal to voters in low-information

races about a candidate's position, then this finding should suggest that more information ought to be available in Ohio judicial races—or perhaps even that Ohio ought to adopt a wholly partisan system, thereby lowering the information costs for voters seeking party identification for judicial candidates. However, if one regards partisanship as inappropriate in judicial elections, then the results of this study might be of concern: voters use more information to make up for the nonpartisan nature of the ballots, rather than abandoning partisanship and voting based on other criteria. However, research to date has not shown that voters in nonpartisan races substitute other meaningful cues in the absence of party identification. Instead, studies on nonpartisan judicial elections have shown that the absence of party identification often has a negative effect on voter participation: Dubois (1980) writes, for instance, that "voters in states with the nonpartisan general election ballot must rely primarily upon nonparty cues for voting. Often bewildered and confused, some voters are unable to reach a decision and simply refrain from voting" (93).

While the study provides no direct insight into voters' attitudes towards judicial elections, the findings clearly do not suggest that voters are apathetic towards judicial races. The fact that voters pick up on party cues when more information is available suggests that voters do seek out materials which will help them make more informed decisions. This implication is in line with Dubois' conclusion in *From Ballot to Bench* (1980) that, contrary to critics' assertions that low voter turnout can be attributed to lack of interest, "judicial election turnout is very much determined by the same host of factors which affect turnout in other kinds of elections" (p. 244). Just as in other low-visibility races, judicial elections can pose a challenge to voters seeking meaningful information about the candidates; party identification serves as simple shorthand for

uninformed voters in partisan races. In Ohio judicial elections, however, that cue is made more difficult to ascertain by the "mixed" election system.

Ultimately, the issue of judicial elections encompasses not only whether a nonpartisan or partisan system is preferable, but also whether judges should be selected through popular elections at all. At least two major arguments against judicial elections can be made. First, some scholars and politicians have argued that judges should be impervious to popular opinion, and that their objectivity in interpreting law ought not to be tainted by the need to appeal to the public. According to this reasoning, judges who are elected might need to alter their opinions or the decisions they would otherwise make in order to be elected or re-elected. A second argument against judicial elections is that even if judges should be held accountable to the public, ordinary citizens are ignorant about and apathetic to judicial elections. By this logic, the uninformed electorate is not capable of intelligently selecting state judges, and so decisions should be left up to those who know better, such as the governor or a panel of lawyers.

However, the fact remains that there is popular support for judicial elections, which indicates that voters do care about how judges are selected. The present study adds further evidence to the argument that in fact, judicial elections are much like other low-information races, in that voters must deal with a paucity of available cues to help them decide. In Ohio, the difficulty of that choice is compounded by the fact that parties are not listed on the ballot: voters are deprived of what might be the only cheap informational cue they would have in similarly low-visibility partisan races. However, the analyses of the effects of media coverage and spending indicate that voters do absorb the information that is available to them, since there are positive correlations between party voting rates and spending and media coverage levels. If party identification is accepted as a meaningful, useful cue in judicial races, then these findings

are good news for proponents of judicial elections. It appears that voters are not willfully ignorant, and that higher-visibility judicial elections—characterized by higher spending by the candidates and greater amounts of media coverage—might actually do a better job than low-visibility races of helping voters make more informed decisions.

Bibliography

Adamany, David and Mack C. Shelley. 1980. "Encore! The Forgetful Voter." *Public Opinion Quarterly* 44 (Summer), 234-240.

Baum, Lawrence. 1987. "Information and Party Voting in 'Semipartisan' Judicial Elections." *Political Behavior* Vol. 9, No. 1: 62-74.

Baum, Lawrence and David Klein. 2007. "Voters' Responses to High-Visibility Judicial Campaigns." Matthew Streb, ed., *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*. New York University Press: 140-164.

Bonneau, Chris W. 2007. "The Effects of Campaign Spending in State Supreme Court Elections." *Political Research Quarterly* 60 (September): 489-499.

Bonneau, Chris W. 2005. "Incumbent Defeats in State Supreme Court Elections." *American Politics Research* Vol. 33 No. 6: 818-841.

Bonneau, Chris W. 2006. "Vacancies on the Bench: Open Seat Elections for State Supreme Courts." *Justice System Journal* 27 (2): 143-159.

Carpini, Michael X. Delli and Scott Keeter. 1993. "Measuring Political Knowledge: Putting First Things First." *American Journal of Political Science* 37: 1179-1206.

Caufield, Rachel P. 2007. "The Changing Tone of Judicial Election Campaigns as a Result of *White*." *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*. Ed. Matthew J. Streb. New York University Press: 34-58.

Dubois, Philip L. 1980. *From Ballot to Bench: Judicial Elections and the Quest for Accountability*. University of Texas Press.

Dubois, Philip L. 1979a. "The Significance of Voting Cues in State Supreme Court Elections." *Law & Society Review* 13 (Spring): 757-779.

Dubois, Philip L. 1979b. "Voter Turnout in State Judicial Elections: An Analysis of the Tail on the Electoral Kite." *Journal of Politics* 41 (August): 865-887.

Dubois, Philip L. 1984. "Voting Cues in Nonpartisan Trial Court Elections: A Multivariate Assessment." *Law & Society Review* 18: 395-436.

Felice, John D. and John C. Kilwein. 1992. "Strike one, strike two…: the history of and prospect for judicial reform in Ohio." *Judicature* 75: 193-200.

Hall, Melinda Gann. 2001. "State Supreme Court in American Democracy: Probing the Myths of Judicial Reform." *American Political Science Review* Vol. 95, No. 2: 315-330.

"Judicial Selection in the States: *Appellate and General Jurisdiction Courts*. American Judicature Society website. January 2004. http://www.ajs.org/js/JudicialSelectionCharts.pdf .

Klein, David, and Lawrence Baum. 2001. "Ballot Information and Voting Decisions in Judicial Elections." *Political Research Quarterly* Vol. 54, No. 4: 709-728.

Macaluso, Theodore F. 1977. "Political Information, Party Identification and Voting Defection." *Public Opinion Quarterly* 41: 255-260.

McDermott, Monika L. 1997. "Voting Cues in Low-Information Elections: Candidate Gender as a Social Information Variable in Contemporary United States Elections." *American Journal of Political Science* 41 (January): 270-283.

Schaffner, Brian F. and Matthew J. Streb. 2002. "The Partisan Heuristic in Low-Information Elections." *Public Opinion Quarterly* 66 (Winter): 559-581.

Schaffner, Brian F., Gerald Wright, and Matthew Streb. 2001. "Teams Without Uniforms: The Nonpartisan Ballot in State and Local Elections." *Political Research Quarterly* 54 (March): 7-30.

Sheldon, Charles H. and Nicholas P. Lovrich. 1983. "Knowledge and Judicial Voting: The Oregon and Washington Experience." *Judicature* 67 (November): 234-245.

Squire, Peverill and Eric R.A.N. Smith. 1988. "The Effect of Partisan Information on Voters in Nonpartisan Elections." *Journal of Politics* 50: 169-179.

Wattenberg, Martin P., Ian McAllister, and Anthony Salvanto. 2000. "How Voting is Like Taking an SAT Test: An Analysis of American Voter Rolloff." *American Politics Quarterly* 28 (April): 234-250.